

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8807 of 2021

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Abu Bakar, son of Md. Syed, resident of Village - Maksuda, Gram Panchayat Maksuda, Block- Rahika, Police Station Sakri, District Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Election Commission, Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Sub-Divisional Officer, Madhubani.
4. The Block Development Officer, Rahika, District Madhubani.
5. The Block Co-operative Officer, Rahika, District Madhubani.
6. Md. Naushad son of Saukat Hussain resident of Village - Kajiyana Sanaul, Police Station- Sakri, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhas Ranjan, Advocate
For the Respondent/s	:	Mr. Lalit Kishore (AG)
		Mr. Uday Shankar Sharan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 21-02-2022 Heard learned counsel for the parties.

2. The petitioner has filed this application seeking a direction to the respondents to dispose of his representation dated 09.02.2021 made before the Sub-Divisional officer-cum-Returning Officer, Madhubani in relation to election of Primary Agricultural Co-operative Society (PACS in short), Gram Panchayat, Maksuda in the district of Madhubani. He is also seeking a declaration to the effect that nomination paper filed by



the petitioner was valid, and, therefore, the election of respondent No. 6 as Chairman of the said PACS unopposed is illegal.

3. Learned counsel appearing on behalf of the petitioner has submitted that the manner of rejection of the petitioner's nomination paper is contrary to Rule 21N of Bihar Cooperative Societies Rules, 1959 ('the Rules' for short). He has drawn our attention to a representation made by the petitioner before the Sub-Divisional Officer on 08.02.2021 in connection with the said election.

4. Learned counsel representing the respondents has opposed the prayer.

5. It would be apposite to notice Rule 21X of the Rules, which reads as under :-

"21-X- Any dispute relating to election of a Cooperative Society may be raised within 30 days from the date of declaration of the result and such dispute shall be decided under section 48 of the Bihar Cooperative Society Act 1935."

6. Rule 21X of the Rules clearly prescribes that any election dispute under the Rules shall be decided under Section 48 of Bihar Cooperative Societies Act, 1985, if such dispute is raised within ninety days from the date of declaration of the



result.

7. It is an admitted position that the petitioner has not raised any election dispute as stipulated under Rule 21X of the Rules.

8. Having considered the submissions made on behalf of the parties, we are of the view that the election dispute, as raised in the present application, need not be entertained by this Court in a writ proceeding.

9. In such view of the matter and even otherwise, the dispute, which the petitioner is raising in this case, cannot be gone into by this Court in a proceeding under Article 226 of the Constitution of India.

10. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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